



General Assembly

January Session, 2009

Raised Bill No. 779

LCO No. 2602

02602_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT PROVIDING CONSUMER PROTECTIONS TO PURCHASERS
OF OUTDOOR WOOD-BURNING FURNACES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) As used in sections 1 to 3,
2 inclusive, of this act:

3 (1) "Business day" means any day except a Sunday or a legal
4 holiday.

5 (2) "Buyer" means a person who enters into, or receives the benefit
6 of, a contract for an outdoor wood-burning furnace.

7 (3) "Outdoor wood-burning furnace" means an accessory structure
8 or appliance designed to be located outside living space ordinarily
9 used for human habitation, and designed to transfer or provide heat,
10 via liquid or other means, through the burning of wood to heat (A)
11 spaces other than where such structure or appliance is located, (B) any
12 other structure or appliance on the premises, or (C) domestic,
13 swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning
14 furnace" does not include a fire pit, wood-fired barbecue or chiminea.

15 (4) "Seller" means a person who sells outdoor wood-burning
16 furnaces.

17 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) Every contract for an
18 outdoor wood-burning furnace shall provide that such contract may be
19 cancelled not later than three business days after the date of receipt by
20 the buyer of a copy of the contract, by written notice delivered by
21 certified or registered United States mail to the seller or the seller's
22 agent, at an address which shall be specified in the contract.
23 Cancellation shall be without liability on the part of the buyer, except
24 for the fair market value of services actually received by the buyer, and
25 the buyer shall be entitled to a refund of the entire consideration paid
26 for the contract, if any, less the fair market value of the services already
27 actually received by the buyer. Such right of cancellation shall not be
28 affected by the terms of the contract and may not be waived or
29 otherwise surrendered.

30 (b) A copy of the contract shall be delivered to the buyer at the time
31 the contract is signed. All contracts shall be in writing and signed by
32 the buyer, shall designate the date on which the buyer actually signs
33 the contract, shall identify the address of the location at which the
34 buyer entered into the contract and shall contain a statement of the
35 buyer's rights which complies with this subsection. The statement
36 shall: (1) Appear in the contract under the conspicuous caption:
37 "BUYER'S RIGHT TO CANCEL", and (2) read as follows:

38 "If you wish to cancel this contract, you may cancel by mailing a
39 written notice by certified or registered mail to the address specified
40 below. The notice must say that you do not wish to be bound by this
41 contract and must be delivered or mailed before midnight of the third
42 business day after you sign this contract. The notice must be delivered
43 or mailed to: (Insert name and mailing address for cancellation
44 notice)."

45 (c) At the time the contract is signed, the seller shall provide an
46 informational sheet, developed by the Commissioner of Consumer

47 Protection, in consultation with the Commissioner of Environmental
48 Protection, on outdoor wood-burning furnaces. The seller shall obtain
49 the buyer's acknowledgement of receipt, including date of receipt, of
50 such informational sheet on a form prescribed by the Commissioner of
51 Consumer Protection. The seller shall keep such signed
52 acknowledgement for a period of five years from the date a contract
53 for an outdoor wood-burning furnace is signed and shall make such
54 signed acknowledgement available for inspection by a representative
55 of the Department of Consumer Protection upon request.

56 (d) If a seller materially violates the provisions of this section, the
57 buyer of an outdoor wood-burning furnace shall have the right to
58 cancel the contract and a right of action against the seller for recovery
59 of three times the amount actually paid to the seller under the contract.
60 In addition to any judgment awarded to the buyer, the court may
61 allow reasonable attorney's fees.

62 (e) A violation of this section shall be deemed an unfair or deceptive
63 trade practice under subsection (a) of section 42-110b of the general
64 statutes.

65 (f) Any person who violates any provision of this section shall be
66 deemed to have committed an infraction and shall be fined not more
67 than ninety dollars. Each day a violation occurs shall be a separate
68 violation.

69 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) The provisions of this
70 section and sections 1 and 2 of this act shall be enforced by the
71 Commissioner of Consumer Protection.

72 (b) Nothing in this section and sections 1 and 2 of this act shall be
73 construed to affect any power or authority of the Commissioner of
74 Environmental Protection to enforce any statute or regulation that may
75 be applicable to wood-burning furnaces or to the emissions from such
76 furnaces.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section

Statement of Purpose:

To provide consumers with certain protections regarding purchases of outdoor wood-burning furnaces.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]